IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 7211 OF 2005

The State of Maharashtra.. ... Appellant

versus

Pandurang Gundu Yesade & anr. ... Respondents.

V.B.Konda Deshmukh APP for applicant.
None for the respdt.

CORAM; V.G. PALSHIKAR &
SMT.NISHITA MHATRE,JJ.

DATED; 7TH NOVEMBER, 2006.

P.C.;

1. By this application the State impugns the order of acquittal passed by the Additional Chief Metropolitan Magistrate, Bombay. The learned Judge on marshalling of the facts and appreciation of the evidence came to the conclusion that the prosecution has failed to prove any of the offences with which the accused was charged. It has observed on consideration of the entire evidence on record as under:

" Considering the evidence on record, as discussed above, it is difficult to hold that

> the prosecution has succeeded to prove the case against the accused. No evidence is brought on record to show that the accused have forged the bank account or cheques and thereby caused huge loss to the BEST authorities to the tune of Rs. 1,52,710/-. On the contrary, it has come on record that the cheques were genuine cheques and they were dishonoured for want of sufficient fund in the account. It does not mean that cheques were forged. Accordingly, the entire amount was paid to BEST prior to the lodging of the FIR."

2. It will thus be seen that the learned Judge has properly appreciated the facts and applied the law correctly to those facts. In such circumstances, we see no reason to interfere. Application for leave to appeal rejected.

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